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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/411,756	10/04/1999	RAYMOND J. KRASINSKI	PHA-23.789	8769

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS  
P.O. BOX 3001  
BRIARCLIFF MANOR, NY 10510

EXAMINER

QUELER, ADAM M

ART UNIT	PAPER NUMBER
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2178

DATE MAILED: 08/26/2003

16

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Applicati n N .

09/411,756

Applicant(s)

KRASINSKI, RAYMOND J.

Examiner

Adam M Queler

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to communications: RCE received 8/8/2003, and Supplemental Amendment received 8/20/2003.
2. Claims 1-27 are pending in the case. Claims 1-27 are independent claims.

#### ***Continued Examination Under 37 CFR 1.114***

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/8/2003 has been entered.

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

5. **Claims 1, 3, and 23 are rejected under 35 U.S.C. 102(a) as being anticipated by “XML Fragment Interchange, W3C Working Draft, 1999 June 30,” herein referred to as W3C.**

**Regarding independent claim 1**, W3C discloses content nodes that are part of larger trees (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion with in a package (p.23-24, example spanning the pages). It inherently is associated with a predetermined number of content

nodes, specifically one. W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). This example also shows that the “fragbody” is relative to the first book sub-tree within the larger tree. The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13.

The limitation of “permit[ting] reconstruction in mid-transmission...” is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

**Regarding dependent claim 3, W3C discloses a list of content nodes (p. 19, 5.4.3).**

**Regarding independent claim 23, W3C discloses content nodes (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion with in a package (p.23-24, example spanning the pages) W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. The limitation of “permit[ting] reconstruction in mid-transmission...” is recitation intended use and is not**

**positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.**

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 2, 4, 6-9, 11-14, 16-22, and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C.**

**Regarding independent claim 6,** W3C discloses content nodes that are part of larger trees (p. 19, example 1) that can be used for transmitting (p.4, para. 1). W3C discloses the structure node is associated with the content nodes of a sub-tree by their inclusion within a package (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree within a larger XML tree (p.23-24, example spanning the pages). This example also shows that the “fragbody” is relative to the first book sub-tree within the larger tree. The method of generating such nodes is inherently shown by the original XML document and resulting fragment shown in section C.1, as well as the definition of the “fcs” element on pages 12-13. W3C does not explicitly mention decomposing the document into a plurality of trees however it would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-

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trees, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

The limitation of "permit[ting] reconstruction in mid-transmission..." is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

**Regarding independent claim 11**, W3C discloses transmitting sub-trees that are part of larger trees (p.4, para. 1). W3C also discloses indicating where sub-trees are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). W3C does not explicitly mention decomposing the document into a plurality of trees. It would have been obvious to one of ordinary skill in the art at the time of the invention to decompose the document into a plurality of sub-trees and send them independently, so that multiple parts of the document could be transmitted without sending the entire document (p. 2, "Abstract").

The limitation of "permit[ting] reconstruction in mid-transmission..." is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

**Regarding dependent claims 2, 7, and 12**, W3C is silent as to having templates. W3C does disclose fragmenting the whole document based on semantic separations, such as chapters (p. 25). Therefore it would have been obvious to one of ordinary skill in the art at the time of the

invention to include a template for the purpose of specifying how the structure and content nodes should be generated for the purpose of having semantically relevant fragments.

**Regarding dependent claim 13,** W3C discloses a list of content nodes (p. 19, 5.4.3).

**Regarding dependent claim 8,** W3C discloses a structure node with positioning information (p. 11-12).

**Regarding dependent claims 4, 9, and 14,** Content generated in real-time was by a textual input device was well-known in the art at the time of the invention, as applicant admits in Remarks filed on 3/25/2003 (p. 6), and would have been obvious to one of ordinary skill in the art for the purpose of typing up an XML document.

**Regarding independent claim 16,** W3C discloses an XML document including content nodes and structure nodes as recited in claim 1 above. W3C also discloses means for determining whether a node is a content or context node (pp. 10-11, section 5.1). W3C also discloses indicating where content nodes are positioned within the tree, as the "sourcelocn" attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). This example also shows that the "fragbody" is relative to the first book sub-tree within the larger tree. W3C discloses recompiling the XML document (p. 5, para. 2) and information that can be used for the recompiling (p. 10-11). W3C is silent as to processing content nodes directly, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to process content nodes directly because they are ordinary element nodes and should be treated as such.

The limitation of “permit[ting] reconstruction in mid-transmission...” is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

**Regarding dependent claim 19**, it would have been obvious to one of ordinary skill in the art at the time of the invention to continue processing since each sub-tree is a valid XML tree.

**Regarding independent claim 20**, W3C discloses receiving a plurality of sub-trees for reassembly (p.5, para.2). W3C also discloses the sub-trees containing positioning information (p. 13). W3C discloses a structure node (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). This example also shows that the “fragbody” is relative to the first book sub-tree within the larger tree. W3C does not explicitly mention positioning the sub-trees, however it would have been obvious to one of ordinary skill in the art at the time of the invention to do so as that the purpose of fragmenting the document was so that it could be reassembled (p. 5, para. 2).

The limitation of “permit[ting] reconstruction in mid-transmission...” is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

**Regarding dependent claims 17 and 21**, W3C discloses displaying content (p.5, para. 2).



**Regarding dependent claims 18 and 22**, it was well-known in the art at the time of the invention to store data after receiving it.

**Regarding independent claims 24, 25, and 27**, the memories and processors for performing the methods of claims 6, 11, and 20, respectively, are rejected under the same rationale.

**Regarding independent claim 26**, W3C discloses an XML document including content nodes and structure nodes as recited in claim 1 above. W3C also discloses means for determining whether a node is a content or context node (pp. 10-11, section 5.1). W3C teaches determining a content node is associated with a structure node by its inclusion within a package (p.23-24, example spanning the pages). W3C also discloses indicating where content nodes are positioned within the tree, as the “sourcelocn” attribute (p.12). In addition the location of the <f:fragbody> tag indicates the placement of the content nodes as a sub-tree with a larger XML tree (p.23-24, example spanning the pages). This example also shows that the “fragbody” is relative to the first book sub-tree within the larger tree. W3C discloses recompiling the XML document (p. 5, para. 2) and information that can be used for the recompiling (p. 10-11). W3C is silent as to processing content nodes directly, however, it would have been obvious to one of ordinary skill in the art at the time of the invention to process content nodes directly because they are ordinary element nodes and should be treated as such.

The limitation of “permit[ting] reconstruction in mid-transmission...” is recitation intended use and is not positively recited in the claim language. However, for the sake of argument, W3C inherently teaches the intended use as it teaches the previous limitations, which permit the intended use as claimed.

8. **Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over W3C as applied to claims 1, 6, and 11 above, and further in view of Dietz (USPN 6175820—filed 1/28/1999).**

Regarding dependent claims 5, 10, and 15, W3C is silent as to generating XML with a speech recognition system. Dietz teaches generating XML with a speech recognition system (col. 2, line 65 – col. 3, line 11). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Dietz into W3C for the purpose of transmitting a textual representation of human voice.

*Response to Arguments*

9. Applicant's arguments filed 8/20/2003 have been fully considered but they are not persuasive.

Applicant has added the limitation that the structure node “permits reconstruction in mid-transmission ranging from at least partial to complete reconstruction of the XML document without receiving all of the nodes.” The claim as written would not provide patent protection for the reconstruction of the nodes, as the limitation is not positively recited in claim. Moreover, this appears to be an intended use of the product. The Office sees no teachings in the reference that would make the intended use fail. In addition, as the rest of the claimed features have been taught, the reference would inherently teach the intended use as well.

Applicant has also specified the structure node provides relative information to other sub-trees. The Office has noted the examples on pages 23-24 that the <fragbody> is positioned relative to the <book/> sub-tree.

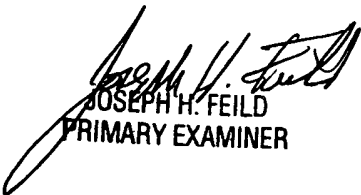
***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Adam M Queler whose telephone number is (703) 308-5213. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-5631.

AQ

  
JOSEPH H. FEILD  
PRIMARY EXAMINER